

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23093 of 2017

ORDER:

The case of the petitioner is that on his complaint with respect to various commissions and omissions of respondent No.5 in discharging his duties as Field Assistant in Vasundhara Gram Panchayat, respondent No.4-Project Director, District Water Management Agency, Srikakulam, passed an order, dated 07.08.2015, removing respondent No.5 from the post of Field Assistant. Questioning the said order, respondent No.5 filed an appeal before respondent No.3-District Collector-cum-District Programme Coordinator of M.G.N.R.E.G.S., Srikakulam. Since no orders have been passed in the said appeal, respondent No.5 filed W.P.No.4805 of 2017, which in turn was disposed of by this Court on 13.02.2017 by directing respondent No.3 to pass appropriate orders within a period of four weeks from the date of receipt of the said order. Thereafter, the appeal came to be allowed and consequently, respondent No.5 came to be reinstated. The grievance of the petitioner is that in spite of the fact that there are various commissions and omissions on the part of respondent No.5, as a reward to him, he was reinstated by respondent No.3 without conducting any enquiry. Hence, this writ petition.

Learned counsel for the petitioner vehemently submits that the petitioner being one of the villagers and beneficiaries of the Schemes notified by the Government is entitled to challenge the reinstatement of respondent No.5 and that respondent No.3 failed

to enquire into the matter, particularly, misuse of funds by respondent No.5. Therefore, he prays that respondent No.3 may be directed to re-enquire into the allegations and complete the same in a time-bound manner.

It is to be noted that though the allegation against respondent No.5 was in relation to mis-utilization of funds sanctioned under M.G.N.R.E.G.S., particularly, by not discharging the work and also not providing the work to the wage seekers, the report dated 29.04.2016 of the Extension Officer, MPP, Meliaputti, discloses that the works have been executed and the beneficiaries have been paid. A perusal of the impugned order shows that respondent No.3, having taken note of the report of the Programme Officer to the effect that respondent No.5 is discharging his duties and providing work to the wage seekers, recommended for renewal of contract of respondent No.5 and ordered for his reinstatement. In view of the same and further considering the fact that merely because the petitioner is one of the beneficiaries of the Schemes, this Court has no hesitation to state that the petitioner has no *locus standi* to challenge the reinstatement of respondent No.5 by way of writ petition.

In those circumstances, the writ petition is misconceived and is accordingly dismissed.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:02.05.2018
kdl

